15

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 482 of 2005

Appellant : Ku. Kavita Sao, age 17 years, (Minor) daughter of Shri Ram Krishna Sahu, Through her father Shri Ram Krishna Sahu, S/o Late Bhuneshwar Sao, age 45 years, R/o Gayatri Chowk, Ward No.5, Nayapara, Mahasamund, District-Mahasamund (C.G.).

- Versus-

Respondents:
1. Girdhari Lal Sahu, age 25 years, S/o Mehtaru Sahu, R/o Village – Boriajhar, P.S. Mahasamund, District- Mahasamund (C.G.) (Driver of the Tractor No. C.G. 06/A/2180).
2. The New India Insurance Company Ltd., Branch Office, Raipur, District –Rajaur (Insurance Company of Tractor No. C.G. 06/A/2180).
3. Shyam Kumar Sakarkar, S/o MadhoramSakarkar, R/o Village-Boriajhar, P.S. Mahasamund (C.G.) (Owner of the Tractor No. C.G. 06/A/2180).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Jamil Akhter Lohani, Advocate for the appellant.

ORAL ORDER

(28th November 2005)

1. In a personal injury case, the injured has filed this appeal for enhancement of the compensation. Counsel appearing for the appellant would contend that the father of the appellant has spent more than Rs. 1,00,000/- towards medical expenses whereas the Tribunal has awarded only sum of Rs. 50,000/-. It was also argued that the Tribunal was not justified in not awarding any compensation towards future medical expenses to be incurred by the appellant. Having perused the impugned award and other

16

material papers, we do not find any legal basis to sustain the above arguments of learned counsel. This is a case where the appellant has produced the medical bills for Rs. 40,000/- only. Nevertheless, the Tribunal has awarded Rs. 50,000/- towards medical expenses. Therefore, no exception can be taken for that part of the award. Coming to the contention of learned counsel that the Tribunal is not justified in not awarding any compensation for future medical expenses, suffice it to state that in the instant case, the appellant has not even examined the doctor who treated the appellant. There is total lack of evidence to show that the appellant requires future medical treatment or to show what can be the cost of such treatment. In the absence of any evidence whatsoever in that regard it could not be said that the Tribunal is not justified in not awarding any compensation towards future medical expenses. No other point was urged before us while assailing the award. The appeal is devoid of merit and it is accordingly dismissed.

Sd/-
Chief Justice
Judge

Sd/-
Satish K. Agnihotri
Judge

Thakur